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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,781	12/28/2001	David Wei-Gwo Wang	9767-0108-999	2123

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EXAMINER

ESCALANTE, OVIDIO

ART UNIT PAPER NUMBER

2645

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,781

Applicant(s)

WANG ET AL.

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Zirngibl et al.

US Patent 6,798,867.

Regarding claim 1, Zirngibl, teaches a method of voice organizer message delivery, (abstract; col. 6, lines 42-52) comprising:

recording a voice organizer message from a first user, (col. 10, lines 40-48; col. 16, lines 46-63);

storing the voice organizer message to be delivered to a second user on a specified date, (col. 16, line 64-col. 17, line 7, 25-40);

upon said specified date, delivering the voice organizer message to the second user, (col. 10, line 22-39; col. 18, line 66-col. 19, lines 10); and

periodically redelivering the voice organizer message at a frequency specified by the first user, wherein the frequency is selected from a group consisting of at least three frequencies, (col. 10, lines 23-39; col. 19, lines 3-10, 16-31).

Regarding claims 2, 16 and 29, Zirngibl, as applied to claims 1, 15 and 28, teaches wherein the second user and the first user are the same user, (col. 10, lines 9-21).

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Regarding claims 3,17 and 30, Zirngibl, as applied to claims 1,15 and 28, teaches wherein the at least three frequencies include daily, weekly and monthly, (col. 10, lines 23-39).

Regarding claim 4, Zirngibl, as applied to claim 1, teaches including responding to commands from the first user by modifying the voice organizer message, (col. 8, line 50-67; col. 16, lines 46-63; col. 17, line 65-col. 18, line 12).

Regarding claim 5, Zirngibl, as applied to claim 1, teaches including responding to commands from the first user by changing the specified date of the voice organizer message, (col. 10, lines 23-39).

Regarding claim 6, Zirngibl, as applied to claim 1, teaches responding to commands from the first user by changing the frequency of the voice organizer message, (col. 10, lines 23-39; col. 17, line 65-col. 18, line 12).

Regarding claim 7, Zirngibl, teaches a method of voice organizer message delivery comprising:

recording a voice organizer message from a first user, (col. 10, lines 40-48; col. 16, lines 46-63);

associating a message-specific passcode with the voice organizer message, (col. 17, lines 7-19),

storing the voice organizer message to be delivered to a second user on a specified date, (col. 16, line 64-col. 17, line 7; col. 18, line 66-col. 19, line 10);

upon said specified date, delivering the voice organizer message to the second user, (col. 10, lines 22-48); and

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periodically redelivering the voice organizer message at a frequency specified by the first user, wherein the frequency is selected from a group consisting of at least three frequencies, (col. 10, lines 23-39; col. 19, lines 3-10,16-31).

Regarding claim 8, Zirngibl, as applied to claim 7, teaches wherein the delivering step includes:

notifying the second user of the voice organizer message, (col. 10, lines 40-47; col. 13, line 10-24);

upon a response from the second user, playing the voice organizer message, (col. 10, lines 49-65; col. 17, lines 41-53).

Regarding claim 9, Zirngibl, as applied to claim 8, teaches wherein the response from the second user includes entering the message-specific passcode, (col. 10, lines 53-56; col. 17, lines 7-19).

Regarding claim 10, Zirngibl, as applied to claim 7, teaches including responding to commands from the first user by modifying the message-specific passcode associated with the voice organizer message, (col. 10, lines 53-56; col. 17, lines 7-19).

Regarding claim 11, Zirngibl, as applied to claim 7, teaches wherein the message-specific passcode is a passcode corresponding to a voice mailbox associated with the second user, (col. 17, lines 7-19).

Regarding claim 12, Zirngibl teaches a method of voice organizer message delivery comprising:

recording a voice organizer message from a first user, (col. 10, lines 40-48; col. 16, lines 46-63);

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storing the voice organizer message to be delivered to a second user on a specified date, (col. 16, lines 64-col. 17, line 7,25-40);

upon said specified date, automatically calling the second user to deliver the voice organizer message to the second user, (col. 10, lines 22-39; col. 18, line 66-col. 19, line 10); and

if delivery of the voice organizer message fails, placing the voice organizer message in a voice mailbox associated with the second user, (col. 21, lines 28-41).

Regarding claim 13, Zirngibl, as applied to claim 12, teaches including associating a message-specific passcode with the voice organizer message, (col. 10, lines 53-56; col. 17, lines 7-19).

Regarding claim 14, Zirngibl, as applied to claim 13, teaches wherein delivery of the voice organizer message fails when the second user fails to enter the message-specific passcode, (col. 17, lines 7-19; col. 25, lines 15-36).

Regarding claims 15 and 28, Zirngibl teaches a voice organizer system and a computer program product for use in conjunction with a computer system, the computer program product comprising a computer readable storage medium and a computer program mechanism embedded therein comprising:

a central processing unit, (fig. 4);

a message intake module, executed by the central processing unit, for storing a voice organizer message created by a first user, (col. 10, lines 22-48; col. 16, line 64-col. 17, line 7,25-40);

a message delivery module, (col. 10, lines 22-48), executed by the central processing unit, the message delivery module including instructions for:

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delivering the voice organizer message to a second user on a date specified by the first user, (col. 10, lines 22-48; col. 18, line 66-col. 19, line 10); and

periodically redelivering the voice organizer message at a frequency specified by the first user, wherein the frequency is selected from a group consisting of at least three frequencies, (col. 10, lines 23-39; col. 19, lines 3-10,16-31).

Regarding claims 18 and 31, Zirngibl, as applied to claims 15 and 28, teaches the message intake module further including modification instructions for responding to commands from the first user to modify the voice organizer message, (col. 8, lines 50-67; col. 16, lines 46-63; col. 17, lines 63-col. 18, line 12).

Regarding claims 19 and 32, Zirngibl, as applied to claims 15 and 28, the message intake module further including modification instructions for responding to commands from the first user to change the specified date of the voice organizer message, (col. 10, lines 23-39).

Regarding claims 20 and 33, Zirngibl, as applied to claims 15 and 28, teaches the message intake module further including modification instructions for responding to commands from the first user to change the frequency of the voice organizer message, (col. 10, lines 23-39; col. 17, line 65-col. 18, line 12).

Regarding claims 21,26 and 34, Zirngibl, as applied to claims 15,21 and 28 teaches the message intake module further including passcode instructions for associating a message-specific passcode with the voice organizer message, (col. 10, lines 53-56; col. 17, lines 7-19).

Regarding claims 22 and 35, Zirngibl, as applied to claims 21 and 28, teaches the message intake module further including modification instructions for responding to commands

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from the first user to modify the message-specific passcode associated with the voice organizer message, (col. 10, lines 53-56; col. 17, lines 7-19).

Regarding claim 23 and 36, Zirngibl, as applied to claims 21 and 34, teaches wherein the message delivery module includes instructions requiring entry of the message-specific passcode by the second user in order to deliver the voice organizer message to the second user. (col. 10, lines 53-56; col. 17, lines 7-19).

Regarding claims 24 and 37, Zirngibl, as applied to claims 21 and 34, teaches wherein the message-specific passcode is a passcode corresponding to a voice mailbox associated with the second user, (col. 17, lines 7-19).

Regarding claims 25 and 38, Zirngibl teaches a voice organizer system and a computer program product for use in conjunction with a computer system, the computer program product comprising a computer readable storage medium and a computer program mechanism embedded therein comprising:

a central processing unit, (fig. 4);

a message intake module, (col. 16, lines 46-63), executed by the central processing unit, for storing a voice organizer message created by a first user, (col. 16, line 64-col. 17, line 7);

a message delivery module, (col. 10, lines 23-39), executed by the central processing unit, the message delivery module including instructions for:

automatically calling the second user on a date specified by the first user to deliver the voice organizer message to the second user, (col. 10, lines 23-39; and

if delivery of the voice organizer message fails, placing the voice organizer message in a voice mailbox associated with the second user, (col. 21, lines 28-41).

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Regarding claims 27 and 40, Zirngibl, as applied to claims 26 and 39, teaches wherein the message delivery module includes instructions causing delivery of the voice organizer message to fail if the second user fails to enter the message-specific passcode, (col. 10, lines 53-56; col. 17, lines 7-19).

Regarding claim 39, Zirngibl, as applied to claim 38, teaches including a passcode module, executed by the computer system, for associating a message-specific passcode with the voice organizer message, (col. 10, lines 53-56; col. 17, lines 7-19).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Finnigan US Patent Pub. 2005/0025298 teaches of delivering messages to a second user from a first user based on a schedule.

Tuttle US Patent 6,324,262 teaches of delivering messages from a first user to a second users voice mail box.

4. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 872-9306, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

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220 20th Street S.
Crystal Plaza two, Lobby, Room 1B03
Arlington, VA 22202

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 703-308-6262 (571-272-7537 After March 22, 2005). The examiner can normally be reached on M-Th from 6:30 to 4:00. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 703-305-4895 (571-272-7547 After March 22, 2005). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OVIDIO ESCALANTE
PATENT EXAMINER

Ovidio Escalante

Ovidio Escalante
Examiner
Group 2645
March 2, 2005

O.E./oe